

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID M. GOLDEN, et. al.,)	
Plaintiffs)	
)	
v.)	CIVIL ACTION NO: 04-10835-MEL
)	
COUNTY OF SUFFOLK,)	
Defendant)	
)	

PARTIES FIRST JOINT MOTION TO EXTEND THE SCHEDULING ORDER

Plaintiffs David M. Golden et al. and Defendant County of Suffolk hereby jointly move for a 150-day extension of the scheduling order. As grounds for this Motion the parties state as follows:

1. The Court issued a Scheduling Order on or about June 23, 2005. The Current scheduling order calls for the completion of written discovery by March 23, 2006; expert witness disclosure by June 23, 2006; completion of depositions by September 23, 2006; for the filing of dispositive motions by October 23, 2006; any oppositions due four weeks later; and, reply briefs two weeks after the response.
2. The parties have diligently engaged in discovery including interrogatories, document requests and inspections of the premises.
3. This case involves six plaintiffs and complex issues involving allegations of deliberate indifference with respect to the conditions of confinement.
4. Due to scheduling issues of the parties and counsel, the parties do not

anticipate that they will be able to complete discovery by the September 23, 2006 deadline. Further, representation of the Defendant is being transferred to another attorney in the Suffolk County Sheriff's Department General Counsel's Office and additional time is necessary for counsel to familiarize herself with the litigation.

5. This is the first request for an extension of time and will not prejudice either party.
6. The parties request a 150-day extension for discovery in recognition of the fact that a new attorney will be handling the case and to assure completion of discovery within the requested time period. 150 days will be sufficient to assure that the parties can accommodate any scheduling conflicts associated with the upcoming holidays.

WHEREFORE, the parties request that the Court grant a 150-day extension of the discovery deadline and corresponding dispositive motions such that discovery is completed by February 28, 2007; dispositive motions filed on or before March 30, 2007 and any oppositions due four weeks thereafter, and reply briefs two weeks after response.

Respectfully submitted,

DAVID GOLDEN, et al.

By their attorneys,

COUNTY OF SUFFOLK,

By its attorney,

/s/ Robert H. Tobin, Jr.

Robert H. Tobin (BBO #499425)
Tobin and Tobin, P.C.
735 South Street
Roslindale, MA 02131-1010

/s/ Ellen M. Caulo

Ellen M. Caulo (BBO #545250)
Suffolk County Sheriff's Department
200 Nashua Street
Boston, MA 02114

Date: September 25, 2006

Certificate of Counsel Pursuant to Local Rule 7.1

Pursuant to L.R. 7.1(A)(2), I certify that I have conferred in good faith with counsel for the Plaintiffs to resolve or narrow the issues raised in this motion, and that the parties jointly reached the agreement represented above.

/s/ Ellen M. Caulo
Ellen M. Caulo